

MINUTES
NEVADA STATE BOARD OF OPTOMETRY
SPECIAL TELEPHONE MEETING
November 18th, 2003
Office of the Nevada State Board of Optometry
1000 East William
Suite 109
Carson, Nevada

A special telephone meeting of the Nevada Board of Optometry was called to order by Board President, Kurt G. Alleman, O.D., at 7:30 o'clock a.m. on November 18th, 2003.

Identifying themselves as participating were:

Kurt G. Alleman, O.D., Board President
Brad C. Stewart, O.D., Board Member
Jack Sutton, O.D., Board Member
George Bean, Board Member
Judi Kennedy, Executive Director
Tina Leiss, Senior Deputy Attorney General

Also participating was:

Jeanette Belz, Nevada Ophthalmological Society

Dr. Alleman asked for public comment.

Ms. Belz stated she had brought with her, copy of a letter from the Nevada Ophthalmological Society to the Nevada State Board of Medical Examiners. She advised the Board the Society had corresponded with the Board of Medical Examiners regarding the proposed revision to the regulation relating to certification of optometrists to treat glaucoma, as well as a prior disciplinary action considered by the Board of Optometry. Dr. Alleman confirmed with Ms. Belz additional action on the prior disciplinary action was an internal issue for the Nevada Ophthalmological Society and did not involve the Board of Optometry.

Ms. Belz offered an additional comment on the revision of the glaucoma certification regulation, noting the Board had a choice of two options regarding examinations. Ms. Belz stated she would encourage the Board to choose the first option providing that exams must be done every four months as opposed to the second option providing that exams would be done as determined to be necessary and prudent by the ophthalmologist and optometrist.

Dr. Alleman asked for comments from the members on the proposed contact lens prescription release regulation. Dr. Sutton stated he believed the language had been revised to address the intention of the Board, and moved the proposed regulation be accepted as drafted and forwarded to the Legislative Counsel Bureau for review. Dr. Stewart seconded the motion. The vote was unanimous.

Ms. Belz questioned the use of the word *Amedically* in paragraph 1[b] of the proposed regulation. Dr. Alleman advised her the verbiage in the proposed regulation mirrored language in pending federal legislation regarding the release of contact lens prescriptions.

Dr. Alleman asked for comments on the two options in the proposed regulation relating to certification of optometrists to treat glaucoma. Dr. Sutton stated he believed standard of care is presented in both options and that a prudent practitioner would know and uphold the standard of care. Dr. Sutton continued, stating the four month standard might change with the development of new drugs, etc., and that he felt option two was preferable as it left examination decisions to be made by the treating optometrist and ophthalmologist.

Ms. Belz commented that while she understood the Board of Optometry has no jurisdiction over ophthalmologists, there should be assurance that optometrists receive

proper training before receiving certification, and that while she would assume all ophthalmologists would use proper judgment, she felt the four month provision was necessary to ensure standard of care.

Dr. Alleman responded stating he felt the regulation should be functional without being restrictive, that he agreed with Dr. Sutton the four month standard of care could change in the future for any number of reasons, and that he preferred the scheduling of examinations be left to the judgment of the treating optometrist and ophthalmologist.

Ms. Belz suggested if the Board approved option two, that it reconsider the deletion of the requirement that an ophthalmologist, within 30 days, notify the optometrist in writing whether the course of treatment was acceptable. Ms. Belz noted once again she realized the Board of Optometry has no jurisdiction over ophthalmologists.

Ms. Leiss asked Ms. Belz if she were stating, on behalf of her client, that the Board of Optometry could require an ophthalmologist to do certain things. Ms. Belz stated she was not. Ms. Leiss stated this Board has jurisdiction only over the optometrist, and that he would not be certified unless the ophthalmologist signed, in the presence of a notary, a statement that the proper co-management had been completed. Ms. Leiss concluded, stating she believes the Board, through this regulation, was going as far as it could go.

Dr. Alleman asked if there was further discussion.

Ms. Kennedy advised Mr. Bean had noticed the verbiage in 4[f] was confusing, and that it had been revised for clarification.

Dr. Alleman asked if there were any other comments. Dr. Stewart moved option two be accepted. Dr. Sutton seconded the motion. The vote was unanimous.

Mr. Bean moved the regulation be accepted as revised and that Ms. Kennedy forward both regulations to the Legislative Counsel Bureau for review and approval. Dr. Stewart seconded the motion. The vote was unanimous.

Dr. Alleman advised the members that once the regulations had been received back from the Legislative Counsel Bureau, the workshop and hearing would be scheduled.

Dr. Alleman asked for public comment. There was no public comment.

Dr. Stewart moved the meeting adjourn. Dr. Sutton seconded the motion. The meeting adjourned at 7:55 a.m.